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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALEX VILLANUEVA,

Plaintiff,

v.

COUNTY OF LOS ANGELES,  
COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT, LOS  
ANGELES COUNTY BOARD OF  
SUPERVISORS, COUNTY EQUITY  
OVERSIGHT PANEL, LOS  
ANGELES COUNTY OFFICE OF  
INSPECTOR GENERAL,  
CONSTANCE KOMOROSKI,  
MERCEDES CRUZ, ROBERTA  
YANG, LAURA LECRIVAIN,  
SERGIO V. ESCOBEDO, RON  
KOPPERUD, ROBERT G. LUNA,  
MAX-GUSTAF HUNTSMAN,  
ESTHER LIM, and DOES 1 to 100,  
inclusive,

Defendants.

**CASE NO. 2:24-cv-04979 SVW (JCx)**

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF ALEX  
VILLANUEVA'S MOTION IN  
LIMINE NO. 2 TO EXCLUDE  
EVIDENCE OR REFERENCE TO  
ALLEGED MISCONDUCT OF  
THIRD PARTY**

*[Filed Concurrently with Oppositions to  
Plaintiff's Motions in Limine Nos. 1 and  
3-6; Omnibus Declaration of Jason H.  
Tokoro; Declaration of Marc A. Cohen,  
M.D., M.S.; and [Proposed] Orders]*

Date: May 26, 2025

Time: 1:30 p.m.

Crtrm.: 10A

Assigned to the Hon. Stephen V.  
Wilson, Crtrm. 10A and Magistrate  
Judge Jacqueline Chooljian, Crtrm. 750

Trial Date: June 3, 2025

1 **I. INTRODUCTION**

2 Plaintiff seeks to have this Court exclude “all evidence of and reference to  
3 any alleged misconduct of third party, Mark Lillienfeld.” (Mot. at 2.) Although not  
4 specifically stated, within this overly broad request, Plaintiff apparently seeks to  
5 exclude evidence that: “(1) Lillienfeld abused his authority as a homicide detective  
6 by sneaking food to an inmate in jail; (2) failed to sufficiently investigate claims of  
7 corruption; and (3) engaged in racist and unprofessional behavior.” (*Id.*)

8 The Motion must be denied, as its sweeping demand that “all evidence” of  
9 Lillienfeld’s misconduct be excluded is improper for a motion *in limine*. Even if it  
10 were limited to the three specific instances above, it is still improper. What Plaintiff  
11 neglects to tell the Court is that Plaintiff relies upon Lillienfeld for his assertion that  
12 Defendant Max Huntsman is a “Holocaust denier.” He is a key witness in Plaintiff’s  
13 case in chief at trial. Defendants must be permitted to introduce evidence and make  
14 argument that goes to Lillienfeld’s credibility. That is exactly the type of evidence  
15 that Plaintiff seeks to exclude because he does not like what it shows.

16 The evidence of Lillienfeld’s misconduct is also directly relevant to the  
17 claims being made by Plaintiff. Specifically, Plaintiff has alleged that he was given  
18 a “Do Not Rehire” notation in retaliation for engaging in First Amendment protected  
19 speech. He alleges that the County created the notation to retaliate against him, had  
20 no right to give it to him because he was no longer a member of the Department, and  
21 that the notation was “unprecedented” and not used with others. All of this is false.  
22 Case in point, Lillienfeld was investigated for alleged Policy of Equality (“POE”)   
23 violations after he had left the Department and was given a “Do Not Rehire”  
24 notation for his “founded” misconduct.

25 Plaintiff’s Motion should be denied for these reasons.

26 **II. FACTUAL BACKGROUND**

27 **A. Plaintiff’s Claims**

28 In March 2022, two personnel complaints were filed against Plaintiff—who

1 was then the Sheriff of the County—alleging he violated the POE prohibiting  
2 harassment and discrimination. An outside law firm investigated those complaints.  
3 The investigations and their outcomes—including a personnel file notation—were  
4 dictated by the evidence and independent decisions of the oversight panel.

5 Plaintiff alleges a broad conspiracy by Defendants—supposedly headed by  
6 the Board of Supervisors—to “retaliate” against him for his protected speech. As  
7 explained in Defendants’ motion for summary judgment, no evidence supports  
8 Plaintiff’s claim.

9 Plaintiff seeks to support certain assertions in his First Amended Complaint  
10 (“FAC”) not with admissible evidence, but with hearsay statements by non-parties.  
11 This includes a purported conversation Plaintiff claims he had with Lillienfeld in  
12 March 2022 during which Lillienfeld told Plaintiff that Defendant Max Huntsman  
13 (“Huntsman”) was a “Holocaust denier.”<sup>1</sup> (Dkt. No. 100-2 (Omnibus Declaration of  
14 Jason H. Tokoro (“Tokoro Decl.”) Ex. 13 (A. Villanueva Depo. at 267:6-269:12).)  
15 Plaintiff claims this allowed him to publicly refer to Huntsman as “Gustaf” or  
16 “Gustav” and a “Holocaust denier.”<sup>2</sup>

17 **B. Lillienfeld’s Relationship With Plaintiff**

18 Lillienfeld was a long-time detective at the Department and retired in 2016.<sup>3</sup>  
19

20 <sup>1</sup> Defendants have moved *in limine* for an order excluding the purported  
21 conversation between Plaintiff and Lillienfeld on hearsay grounds. (*See* Dkt. No.  
22 102 (Defendants’ MIL No. 3).)

23 <sup>2</sup> Plaintiff’s accusations are completely untrue. Huntsman has never denied the  
24 Holocaust. (*See* Dkt. No. 89-4 (Huntsman Decl. ¶¶ 24-25); Dkt. No. 46 at 130  
(FAC Ex. 1).)

25 <sup>3</sup> Defendants cite to the LA Times article submitted by Plaintiff to provide the  
26 Court with background. Defendants are not seeking to have this or any other article  
27 regarding Lillienfeld admitted into evidence. Rather, they intend to inquire about  
28 the conduct during cross-examination. Thus, Plaintiff’s hearsay arguments have no  
bearing on this Motion. (Mot. at 6:4-13.)

1 (Dkt. No. 98-2 at 88 (A. DiBona Declaration Ex. 5).) Following his retirement, he  
2 began working as an investigator for the Los Angeles County District Attorney’s  
3 Office (“DA”). In 2018, while working for the DA, Lillienfeld was caught on  
4 camera posing as a deputy in order to sneak contraband fast food to an inmate at  
5 Men’s Central Jail. Specifically, Lillienfeld put on his old Department uniform,  
6 posed as a deputy, and entered the custody facility as if he worked there.

7 Lillienfeld was temporarily banned from the jails. Jail officials were so  
8 concerned about what authorities described in a memo as numerous policy  
9 violations that they posted Lillienfeld’s photograph inside the jail and directed  
10 employees to alert a supervisor if he showed up. Assistant Sheriff Kelly Haring  
11 commented, “He was impersonating a deputy. Then he dropped off unknown  
12 contraband items to an inmate, which breaks every protocol in the jail or prison. It’s  
13 very serious; that’s why we took it very seriously.”<sup>4</sup>

14 Despite these serious policy violations, Plaintiff rehired Lillienfeld back to the  
15 Department 10 months after this incident and gave him the task of investigating  
16 “public corruption.” Lillienfeld joined Plaintiff’s public corruption squad, which  
17 investigated oversight officials (including Huntsman), County leaders, and a former  
18 Los Angeles Times reporter.

19 **C. The Department Gives Lillienfeld A “Do Not Rehire” File Notation**

20 Lillienfeld left the Department again in January 2023 after Plaintiff lost  
21 reelection. Lillienfeld went to work for the South Pasadena Police Department.

22 In May 2023, Lillienfeld delivered a lecture during an investigator training  
23 session. One of the officer attendees filed a complaint alleging policy violations by  
24 Lillienfeld. Specifically, a Black woman from the Los Angeles Police Department  
25 accused Lillienfeld of making several inappropriate comments, once referring to  
26

27 <sup>4</sup> [https://www.latimes.com/california/story/2019-10-23/retired-homicide-detective-](https://www.latimes.com/california/story/2019-10-23/retired-homicide-detective-mcdonalds-mens-central-jail)  
28 [mcdonalds-mens-central-jail](https://www.latimes.com/california/story/2019-10-23/retired-homicide-detective-mcdonalds-mens-central-jail)

1 Asian officers as “Chinamen” and later saying that she and another Black officer in  
2 the class would be the most likely suspects if anyone jumped him in the parking lot  
3 afterward. Lillienfeld was also accused of giving a Nazi salute several times during  
4 the lecture: “Lillienfeld also clicked his heels together and extended one of his arms  
5 out like Hitler.”

6 Lillienfeld resigned from the South Pasadena Police Department.<sup>5</sup> Although  
7 Lillienfeld was no longer a member of the Department, its Internal Affairs Bureau  
8 (“IAB”) investigated the claims made against him, including conducting three dozen  
9 interviews. Lillienfeld refused to be interviewed as part of the investigation. At the  
10 conclusion of the investigation, IAB issued a report.<sup>6</sup> The case file and report were  
11 considered by the County Equity Oversight Panel (“CEOP”) on May 7, 2024. (*See*  
12 n.6 at 38-40.) The CEOP recommended that the charge of inappropriate conduct  
13 towards others be deemed “founded” and Lillienfeld be given a “Do Not Rehire”  
14 notation. (*See id.*) The Department concurred in the recommendations.

15 **III. PLAINTIFF’S MOTION MUST BE DENIED**

16 **A. The Broad Request To Exclude All Evidence Of “Misconduct” By**  
17 **Lillienfeld Must Be Denied**

18 Plaintiff asks this Court “to exclude all evidence of and reference to any  
19 alleged misconduct of third party, Mark Lillienfeld.” (Mot. at 2.) While the Notice  
20 of Motion identifies three specific instances of misconduct, it does not purport to  
21 limit its scope to them. (*Id.*) In his supporting memorandum, Plaintiff repeats the  
22 overly broad request “to exclude evidence of, reference to, or testimony regarding  
23 any alleged misconduct of third party Mark Lillienfeld.” (*Id.* at 3.)

24 \_\_\_\_\_  
25 <sup>5</sup> <https://www.latimes.com/california/story/2024-11-30/detective-accused-of-giving-nazi-like-salute-resigns-from-south-pasadena-police-department>

26 <sup>6</sup> [https://journaliststudio.google.com/pinpoint/document-view?collection=5c1c0f2e924cfc00&docid=7aef98c18b02c3ab\\_5c1c0f2e924cfc00&page=1&p=1](https://journaliststudio.google.com/pinpoint/document-view?collection=5c1c0f2e924cfc00&docid=7aef98c18b02c3ab_5c1c0f2e924cfc00&page=1&p=1)  
27  
28

1 It is well-established that “[m]otions in limine that seek exclusion of broad  
2 and unspecific categories of evidence . . . are generally disfavored.” *Jackson v.*  
3 *County of San Bernardino*, 194 F. Supp. 3d 1004, 1008 (C.D. Cal. 2016) (citing  
4 *Sperberg v. Goodyear Tire & Rubber Co.*, 519 F.2d 708, 712 (6th Cir. 1975)).  
5 Further, “[t]he failure to specify the evidence that a motion in limine seeks to  
6 exclude constitutes a sufficient basis upon which to deny the motion.” *United States*  
7 *v. Lewis*, 493 F. Supp. 3d 858, 861 (C.D. Cal. 2020) (cleaned up). Plaintiff’s request  
8 must be denied based on these authorities.

9 **B. Defendants Must Be Allowed To Challenge Lillienfeld’s Credibility**  
10 **And Bias At Trial**

11 Cross-examination has been described as “beyond any doubt the greatest legal  
12 engine ever invented for the discovery of truth.” 5 J. Wigmore, *Evidence* § 1367,  
13 p. 32 (J. Chadbourn rev. 1974). An integral part of cross-examination is, of course,  
14 the ability to inquire regarding a witness’s bias and credibility. *Federal Rule of*  
15 *Evidence 607* makes this clear, providing that “[a]ny party, including the party that  
16 called the witness, may attack the witness’s credibility.” *See Fed. R. Evid. 607*.  
17 “*Fed. R. Evid. 607* permits the introduction of evidence and questioning to show  
18 bias to impeach any witness.” *Glob. BTG LLC v. Nat’l Air Cargo, Inc.*, No. CV 11-  
19 1657 JGB (JCGx), 2013 WL 12121982, at \*7 (C.D. Cal. Sept. 5, 2013) (quoting  
20 *McMillan v. Weathersby*, 31 F. App’x 371, 374 (9th Cir. 2002)); *United States v.*  
21 *Abel*, 469 U.S. 45, 52 (1984) (“[B]ias is almost always relevant because the jury . . .  
22 has historically been entitled to assess all evidence which might bear on the  
23 accuracy and truth of a witness’ testimony.”).

24 As set forth above, Lillienfeld is a key witness in Plaintiff’s case. Plaintiff  
25 claims Lillienfeld told him in March 2022 that Huntsman denied the Holocaust  
26 based on an investigation he was conducting while a member of the Department  
27 (Tokoro Decl. Ex. 13 (A. Villanueva Depo. at 267:6-269:12)), an investigation that  
28 Plaintiff directed Lillienfeld to conduct.



1 Defendants are entitled to challenge Lillienfeld’s credibility and bias at trial.  
2 Defendants are entitled to introduce evidence that Plaintiff hired Lillienfeld back to  
3 the Department a mere 10 months after being found by the Department to have  
4 committed serious policy violations. Defendants must be allowed to argue to the  
5 jury that this evidence shows Lillienfeld is beholden to Plaintiff—he would not have  
6 a job with the Department if not for Plaintiff. Defendants should also be allowed to  
7 argue that this shows that Lillienfeld will engage in misconduct and policy  
8 violations as part of his “investigations.”

9 Defendants are also entitled to introduce evidence showing that the  
10 “investigations” Lillienfeld engaged in targeted Plaintiff’s critics and individuals  
11 engaged in oversight of the Department. It is no secret that Plaintiff avoided  
12 transparency and oversight during his time in office. He targeted his critics,  
13 accusing them of corruption without any evidence. Defendants must be allowed to  
14 argue to the jury that Lillienfeld was not conducting legitimate investigations but  
15 instead was simply doing Plaintiff’s bidding—he was part of the hit squad.

16 Finally, Defendants are entitled to introduce evidence showing that the person  
17 Plaintiff says told him Huntsman is a “Holocaust denier” was accused of, *inter alia*,  
18 giving a Nazi salute during a lecture, investigated, and found to have violated the  
19 POE by his conduct. It is hard to imagine evidence more directly on point. Most  
20 people are aware of who caused the Holocaust. Defendants must be allowed to  
21 argue to the jury that this evidence shows Lillienfeld is point blank lying.

22 **C. Lillienfeld’s “Do Not Rehire” Notation Is Directly Relevant To**  
23 **Plaintiff’s Claims At Trial**

24 Plaintiff’s arguments that Lillienfeld’s POE violations that led to him being  
25 given a “Do Not Rehire” notation should be excluded under [Federal Rules of](#)  
26 [Evidence 401 and 403](#) are without merit.

27 Plaintiff claims that he was given a “Do Not Rehire” notation in retaliation for  
28 engaging in protected speech. (*See* FAC ¶¶ 16-19.) He alleges that after the

1 Huntsman and Lim POE complaints were filed, “***IAB had determined no policy***  
2 ***violation occurred***” and put them in a “suspense file.” (*Id.* ¶ 17.) Plaintiff also  
3 alleges that giving him the file notation was “unprecedented,” that the Department  
4 never investigates retired members, and that the file notation has never been given to  
5 a person who is no longer a member of the Department. (*Id.* at 3:23-27.)

6 Lillienfeld proves all of these allegations are false. IAB never determines  
7 policy violations. Instead, where, as here, someone is accused of violating the POE,  
8 IAB investigates the complaint, but the CEOP considers it and makes  
9 recommendations regarding the outcome and discipline. Lillienfeld was not a  
10 member of the Department when he was accused of violating the POE—he was with  
11 the South Pasadena Police Department. Despite this, IAB investigated the POE  
12 charges. Further, CEOP recommended and the Department concurred in giving  
13 Lillienfeld a “Do Not Rehire” notation even though he was retired.

14 This is exactly how the Department handled the Huntsman and Lim POE  
15 complaints filed against Plaintiff, as set forth in the summary judgment briefing.  
16 Defendants should be allowed to present this evidence to the jury. It is relevant, will  
17 not take up significant trial time, and will not confuse the jury.

18 **IV. CONCLUSION**

19 For all of the foregoing reasons, the Court should deny Plaintiff’s Motion in  
20 its entirety and permit Defendants to introduce evidence of Lillienfeld’s misconduct.

22 DATED: May 5, 2025

Respectfully Submitted,

23 MILLER BARONDESS, LLP

24  
25 By:

26 JASON H. TOKORO

27 Attorneys for Defendants